



**Date:** October 17, 2011

**To:** Thomas J. Bonfield, City Manager  
**Through:** Theodore L. Voorhees, Deputy City Manager  
**From:** Marvin Williams, Director of Public Works  
Edward R. Venable, Manager of Engineering and Stormwater  
Robert N. Joyner Jr., Assistant Manager of Development Review  
**Subject:** License Agreement with Northwood Ravin, LLC

### **Executive Summary**

Northwood Ravin, LLC proposes to install and maintain an irrigation system and landscaping within the east side Downing Street, north of the intersection with Erwin Road (604 Downing Street).

### **Recommendation**

The Department of Public Works recommends that the City Council authorize the City Manager to enter into a license agreement with Northwood Ravin, LLC.

### **Background**

A license agreement is required when privately owned and/or maintained features are proposed to be installed in the public rights-of-way. Downing Street is currently privately maintained, but soon it will be taken over by the City for maintenance. The irrigation system and landscaping will remain privately maintained.

### **Issues/Analysis**

Any feature in the rights-of-way has the potential to pose a hazard to the public, and to increase liability to the licensee. To the maximum extent allowed by law, Licensee shall indemnify and save harmless Indemnities from and against all Charges that arise in any manner from, in connection with, or out of this license as a result of acts or omissions of Licensee or subcontractors or anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable.

### **Alternatives**

City Council can choose not to approve the request.

### **Financial Impact**

The Licensee will assume the cost of installation, maintenance, and repair, including the cost of repairs to the street and pavement associated with the installation, maintenance, and repair of the irrigation system and landscaping.

### **SDBE Summary**

The SDBE Summary is not applicable.